

LINCOLN PLANNING BOARD

FEBRUARY 27, 2008

APPROVED

The regular meeting of the Planning Board was held Wednesday, February 27, 2008, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Vice Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Michael Reilly, Greg Mercurio Jr., Kenneth Bostic, John Hunt and Wilfred Ordonez. Also in attendance were Town Planner Albert Ranaldi, Joelle C. Sylvia for the Town Solicitor Anthony DeSisto and Town Engineer Kim Wiegand. Jennifer Scotto kept the minutes.

Chairman John Mancini was absent from this meeting.

Vice Chairman Olean advised that six members were present; have quorum.

CONSENT AGENDA

Vice Chairman Olean reminded members that the consent agenda has zoning applications and correspondence.

Joelle Sylvia stated that JCM LLC applied for a dimensional variance to the Zoning Board and the TRC stated that there are no submitted subdivision plans for review. Therefore, no recommendation is offered by the TRC. She wanted to clarify that JCM will be appealing

the Planning Board's past decision on this application at the next Zoning meeting; If it is denied then the dimensional variance will not go forward and if it is reversed the dimensional variance will move forward. She stated to the Board that they do have an opportunity to make a recommendation to the Zoning Board for the upcoming meeting.

Motion was made by member Reilly to remove JCM LLC from the consent agenda and was seconded by member Bostic. Motion was approved unanimously.

Motion was made by member Mercurio to accept the consent agenda minus JCM LLC and was seconded by member Hunt. Motion was approved unanimously.

MAJOR SUBDIVISION REVIEW

a. The Hills of Monticello Subdivision	AP 40 Lots 30 and 31
Preliminary Plan	- R.H. Jergensen Construction Co.
Albion Road	Discussion / Approval

Mr. Ranaldi stated that this is a preliminary plan stage for a major land development subdivision project. He stated that it is two residential lots that are going to be subdivided into fourteen new

single family residential lots and two reconfigured existing single family lots. There will be a new roadway and also an extension off of that roadway. They had a public hearing last month.

They have requested some waivers from the subdivision regulations that have been reviewed by the Board and have subsequently been approved. The applicant is requesting an additional waiver for the grade at the end of the cul-de-sac which was supposed to be at 1% but because of the land they were only able to do it at 2%. Mr. Ranaldi stated that the TRC reviewed this and felt that it was a minor exception and it was acceptable for this particular area. He stated that the applicant has successfully addressed all concerns therefore, if the Board agrees with the waiver the TRC recommends approval with conditions for this project. A total of nine conditions are listed.

Mr. Ranaldi stated that there are going to be three walls that will have to be built. Two of these walls are going to be on the public right-of-way and the other is going to be on a private deeded lot. He is asking that the developer hire an Engineer to review the installation of those walls and then sign off on these walls when completed. He feels that this will be an extra layer of protection to the Town and the applicant has agreed to that. A new note is being added to say that houses being developed are recommended but not required that they avoid excavation of basements within the seasonal high ground water period where feasible. He feels that this will put everyone on notice and hopes that the developers will raise the houses or use engineering resources to get the ground water away from the foundations. He also stated a note has been revised to say that the

Zoning setbacks shown on the plan are for reference only and actual building setbacks are to be determined at the time of construction or development of the land. This will be helpful if a lot sits vacant for a number of years and the zoning changes and someone else buys the lot. There will be new setbacks for the lot. He also asked that the Town Engineer put together a Remediation Bond but they are waiting for stamped DEM permit plans to calculate that Bond.

Vice Chairman Olean requested comments from the applicant.

Glenn H. Jergensen stated that he has agreed to all the requests that Town Planner Albert Ranaldi has outlined and he feels that he has responded properly to the abutters of this property. He stated that he has not received the stamped DEM permit plans as of yet and will check up on it.

Motion was made by member Hunt to approve the preliminary plan application subject to the conditions and was seconded by member Bostic. Motion was approved unanimously.

Motion was made by member Mercurio to approve the third waiver regarding the percentage of grade from 1% to 2% and was seconded by member Hunt. Motion was approved unanimously.

b. Lincoln Garden Estates AP 43 Lot 20 and 21 Guarantee Bond

- Steven, Stuart and Cara Old Louisquisset Pike

Review /

Approval

Popovich

Mr. Ranaldi stated that this is a preliminary plan that was in front of the Board about two months ago for an extension of their vesting rights for a preliminary plan project which was approved by the Planning Board. The Engineering department has calculated a Guarantee Bond which will include the final cost of the roadway, any granite bounds that will be disturbed when the new homes are being built and street trees to be planted. This bond has calculated to an amount of \$22,200.00. Mr. Ranaldi stated that the TRC reviewed this bond and recommends approval.

Motion made by member Mercurio to accept the TRC recommendation for approval and seconded by member Bostic. Motion was approved unanimously.

MINOR SUBDIVISION REVIEW

**a. Ballards Farm Estates AP 24 Lot 35 Preliminary Plan
Discussion /**

- Steven Filippi Wilbur Road Approval

Town Planner Albert Ranaldi stated that this is a minor subdivision of one lot into four new single family residential lots. The property is located in a split zone. The front half which is approximately 150 ft.

deep into the property is zoned RS-12 which is a 12,000 square foot zone and the rear of the property is zoned RG-40 which is 40,000 square feet. The zoning code indicates that wherever the house is going to be located is the zoning for it and that would be RS-12. On January 15, 2008 the application received a Certificate of Completeness and the Board has 65 days to render a decision by March 20, 2008.

The TRC and Engineering department reviewed these plans and feel that the few concerns they have are minor and will be addressed at the building/permit stage. The new homes will all have public water and sewer and these connections will be checked at the building/permit stage and there may be modifications made to the persons' sewer or water from the house but they are able to connect in a gravity manner from there. The sight distance for each driveway appears to be adequate and will be safe. The wetlands site drains from Wilbur Road, southeast into a wetlands system within the Limerock Quarry.

The drainage will have to be looked at in great detail when development begins and this matter will be dealt with at the building/permit stage. Mr. Ranaldi stated that the Town Engineer and the TRC recommended that dry wells be added to each home so that any excess water can be diverted into these wells and alleviate any problems. Careful consideration of the placement and development and grading of the homes are needed.

The TRC recommended approval of this application with conditions for this minor subdivision. Six conditions are noted; Narragansett

Bay Commission- the legal description of the existing sewer easement does not correspond with what is in the ground and Mr. Ranaldi recommends the language be fixed and accurate. They also need a DEM wetlands permit and each house needs drywells. Mr. Ranaldi noted that because this is a minor subdivision the applicant only has 90 days of vesting to record a final plan.

Attorney John Shekarchi summarized that this is a 10 acre site which is Zoned RS-12. He stated that he has read the TRC recommendation and conditions and is more than happy to abide by them. A title search of the property indicated that the easement that the Town created is improper and it does not close on the meets and bounds description and that will be corrected. He is requesting that they have until September 1, 2008 to record a final plan.

Brian Thalmann, an Engineer, stated that he looked at various schemes for the land and after reviewing the property he felt that the most suitable way to utilize the land was to cut it into the four frontage lots. He stated that the project was surveyed and the necessary applications were submitted to the DEM, Lincoln Water Commission, Lincoln Sewer and the Narragansett Bay Commission. He made sure all the necessary site distances and stopping distances in reference to grading are acceptable. He felt it was prudent to preserve the stone wall features and it will be a nice buffer. He also stated that the western most lot has more frontage so that the driveway can be pushed as far east as possible due to a curve in the road. John Shekarchi stated that he would be more than happy to stipulate into the record the placement of the driveways.

Mr. Thalmann stated that all the homes can be connected to the sewer by a gravity connection. Member Mercurio questioned Mr. Thalmann if there was any concern with the water table and Mr. Thalmann stated that they have the ability through the grading and drainage to deal with the water table and ledge issues that are present. Member Mercurio stated he has an issue with the phrasing of Condition of Approval #5 stating that it is recommended but not required that any developer of the proposed houses avoid excavating basements into the seasonal high groundwater where feasible. He feels that this should be struck from the conditions of approval. Mr. Thalmann stated that these lots will receive a more in depth review on an individual basis. He also stated that there will be no detrimental impacts to the neighborhood.

Scott Rabidoux is a wetland biologist and delineated the wetlands and swamp and found a couple of small intermittent stream channels. They kept all disturbances outside of the 50 ft. perimeter wetland and the identified 100 ft. river bank wetland. They should receive a letter of no jurisdiction from DEM or an insignificant wetland alteration permit and should be pending very soon. He also feels that the drywells are an excellent idea and there will be no negative environmental impact.

Vice Chairman Olean stated that he would like Mr. Ranaldi, the TRC, Town Engineer Kim Weigand and Legal to get together to work on the language of Condition of Approval #5 for future land development projects.

Motion made by member Mercurio to accept the TRC's recommendations with the addition of the 7th condition of approval noted by Mr. Ranaldi and Mr. Shekarchi's request added in that the final approval be deferred to the Administrative Office and seconded by member Bostic. Motion was approved unanimously.

Motion made by member Mercurio to extend the vesting period to September 1, 2008 at the request of Mr. Shekarchi and seconded by member Reilly. Motion was approved unanimously.

Member John Hunt left the meeting at approximately 7:40 PM

RECOMMENDATION TO TOWN COUNCIL

**a. Lincoln Housing Authority AP 38 Lot 113 Review/ Discuss /
Approve**

Vice Chairman Olean recused himself from this next application due to him being employed by the Lincoln Housing Authority. Member Reilly will take over and noted that there are 4 members present; have quorum.

Joelle Sylvia will explain the procedure for this type of application. Under Rhode Island General Law the Town Council has to make a determination for this application whether the road has ceased to be useful to the public. The Lincoln Housing Authority will apply to the

Town Council and the Planning Board will make a recommendation to determine whether this road will need to be used for future development.

Mr. Ranaldi stated that there are three roads that intersect between the property and this area in Manville is fully developed except for land that is publicly owned. This property has three paper streets that run through it. The surrounding roads have already been incorporated into the fabric of the neighborhood. The TRC recommends approval of this application.

Brian LaPlante from the Lincoln Housing Authority stated that there was a project that moved to the Town of Cumberland and they would like to proceed to the Town Council because the lot needs to be cleaned up and needs to be abandoned formally. The Lincoln Housing Authority will proceed with other development projects. He stated that he does not want any barriers to get in the way of future developments.

Motion to approve a recommendation to the Town Council to abandon these paper streets made by member Mercurio and seconded by member Bostic. Motion was approved unanimously with member Olean recused.

ZONING APPLICATION – JCM LLC

Member Reilly stated that this was already presented in front of the

Board and he feels that they should make a recommendation of denial.

Motion to make a recommendation for denial of the application based on the fact that the lot width relief does not meet the burden of Zoning made by member Reilly and seconded by member Bostic. Motion was approved unanimously.

CORRESPONDENCE / MISCELLANEOUS

Vice Chairman Olean stated that there is no correspondence.

SECRETARY'S REPORT

Motion to defer the secretary's report to the next meeting on March 26, 2008 made by member Reilly and seconded by member Bostic.

Motion was made by member Reilly to adjourn which was seconded by member Mercurio at 7:57 p.m. Motion was approved unanimously.

Respectfully submitted,

Jennifer Scotto